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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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10/714,808

11/13/2003

Irvin M. Pritts

2687

2982

7590

12/18/2006

A. Burgess Lowe
101 East Maple Street
North Canton, OH 44720

EXAMINER

TILL, TERRENCE R

ART UNIT

PAPER NUMBER

1744

DATE MAILED: 12/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/714,808

Applicant(s)

PRITTS, IRVIN M.

Examiner

Terrence R. Till

Art Unit

1744

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date <u>5/04, 4/05</u> . | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 5 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
3. Claims 2 and 5 depend on claim 1. Claims 2 and 5 are verbatim duplicates. Therefore, claim 5 fails to further limit the claimed subject matter as stated in claim 2.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

6. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

7. Claims 1-7, 9-24, 26 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kasper et al. (US 6,167,587) in view of DeDominicis et al. (US 2006/0166848).

8. The patent to Kasper et al. discloses all the structure of a portable cleaning apparatus for cleaning a surface including a housing 14 for movement along the cleaning surface; a solution distribution system (see figure 17) mounted at least in part to said housing and comprising: a solution distributor 100 operatively connected to said housing for distributing a cleaning solution onto the cleaning surface; a first solution tank 49 and a second solution tank 870 for holding the cleaning solution a handle 16 pivotally connected to said housing; and a recovery tank 46 mounted on the housing for holding recovered dirt and the cleaning solution, a suction nozzle 17 operatively connected to said housing and in fluid communication with said recovery tank for transporting the cleaning solution and dirt recovered from said cleaning surface to said recovery tank, a suction source 40 in fluid communication with said suction nozzle and recovery tank for drawing the cleaning solution and dirt from the cleaning surface through the suction nozzle and to the recovery tank. Kasper et al. do not disclose a solid chemical containing a fragrance emitting substance provided in said first solution tank. The publication to DeDominicis et al.

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discloses a solid chemical (tablet- see paragraphs 2 and 6) containing a fragrance (see paragraphs 75 and 76) emitting substance to be provided in said a first solution tank of a carpet extractor composed of at least a bicarbonate substance and an acid (see paragraph 7). It would have been obvious to a person skilled in the art at the time the invention was made to provide the extractor of Kasper et al. with a solid chemical containing a fragrance emitting substance in view of the teaching of DeDominicis et al. in order to help clean the carpet and leave it with a pleasant odor. (See paragraphs 1, 2 and 8). With respect to the method claims Kasper et al., as modified by DeDominicis et al. clearly render obvious the method steps claimed. Additionally, with respect to the claim limitations of the fragrance being lavender, jasmine or vanilla, such is considered within the purview of one skilled in the art to make the fragrance whatever one chooses.

9. Claims 1-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kasper et al. (US 6,167,587) in view of Man et al. (US 2003/0109403).

10. The patent to Kasper et al. discloses all the structure of a portable cleaning apparatus for cleaning a surface including a housing 14 for movement along the cleaning surface; a solution distribution system (see figure 17) mounted at least in part to said housing and comprising: a solution distributor 100 operatively connected to said housing for distributing a cleaning solution onto the cleaning surface; a first solution tank 49 and a second solution tank 870 for holding the cleaning solution a handle 16 pivotally connected to said housing; and a recovery tank 46 mounted on the housing for holding recovered dirt and the cleaning solution, a suction nozzle 17 operatively connected to said housing and in fluid communication with said recovery tank for transporting the cleaning solution and dirt recovered from said cleaning surface to said recovery tank, a suction source 40 in fluid communication with said suction nozzle and recovery tank for

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drawing the cleaning solution and dirt from the cleaning surface through the suction nozzle and to the recovery tank. Kasper et al. do not disclose a solid chemical containing a fragrance emitting substance provided in said first solution tank. The publication to Man et al. discloses a solid chemical (tablet- see paragraphs 15 and 32) containing a fragrance (see paragraph 139- jasmine, vanillin) emitting substance to clean carpet (see paragraph 144) containing of at least a bicarbonate substance, an acid (see paragraph 34) and a water softener (see paragraph 85). It would have been obvious to a person skilled in the art at the time the invention was made to provide the extractor of Kasper et al. with a solid chemical containing a fragrance emitting substance provided in the first solution tank in view of the teaching of Man et al. in order to help clean the carpet and leave it with a pleasant odor. (See paragraphs 1, 2 and 8). With respect to the method claims Kasper et al., as modified by Man et al. inherently render obvious the method steps claimed.

11. Claims 1-7, 9-24, 26 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kasper et al. (US 6,167,587) in view of Dente et al. (US 6,426,325).

12. The patent to Kasper et al. discloses all the structure of a portable cleaning apparatus for cleaning a surface including a housing 14 for movement along the cleaning surface; a solution distribution system (see figure 17) mounted at least in part to said housing and comprising: a solution distributor 100 operatively connected to said housing for distributing a cleaning solution onto the cleaning surface; a first solution tank 49 and a second solution tank 870 for holding the cleaning solution a handle 16 pivotally connected to said housing; and a recovery tank 46 mounted on the housing for holding recovered dirt and the cleaning solution, a suction nozzle 17 operatively connected to said housing and in fluid communication with said recovery tank for

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transporting the cleaning solution and dirt recovered from said cleaning surface to said recovery tank, a suction source 40 in fluid communication with said suction nozzle and recovery tank for drawing the cleaning solution and dirt from the cleaning surface through the suction nozzle and to the recovery tank. Kasper et al. do not disclose a solid chemical containing a fragrance emitting substance provided in said first solution tank. The patent to Dente et al. discloses a solid chemical (tablet- see column 2 lines 10-25) containing a fragrance emitting substance for use in cleaning carpets (column 3, lines 45-55) composed of at least a bicarbonate substance and an acid (see column 4, lines 25-45). It would have been obvious to a person skilled in the art at the time the invention was made to provide the extractor of Kasper et al. with a solid chemical containing a fragrance emitting substance in view of the teaching of Dente et al. in order to help clean the carpet and leave it with a pleasant odor. (see column 4, lines 25-30). With respect to the method claims Kasper et al., as modified by Dente et al. inherently render obvious the method steps claimed. Additionally, with respect to the claim limitations of the fragrance being lavender, jasmine or vanilla, such is considered within the purview of one skilled in the art to make the fragrance whatever one chooses.

Conclusion

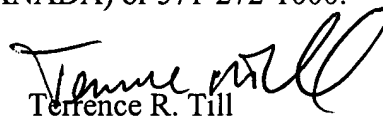
13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The publications to Smith et al. also shows a solid chemical containing a fragrance emitting substance provided in said first solution tank.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Terrence R. Till whose telephone number is (571) 272-1280. The examiner can normally be reached on Mon. through Thurs. and every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gladys P. Corcoran can be reached on (571) 272-1214. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Terrence R. Till
Primary Examiner
Art Unit 1744

trt